

SENATE BILL No. 339

By Committee on Education

1-15

AN ACT concerning education; relating to school districts; requiring school districts to provide ~~at least 30 minutes~~ **a certain amount** of daily recess **and moderate physical activity** time for students ~~in grades kindergarten through five; prohibiting limiting or withholding physical activity for disciplinary reasons; requiring the establishment and administration of a Kansas state fitness test;~~ designating ~~such the~~ **required recess** time as part of the school term; amending K.S.A. 72-3115 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) For each school day that exceeds five hours in duration, each school district shall provide a minimum of 30 minutes of daily organized recess **and a minimum of 60 minutes of moderate physical activity** within the school day for all students in grades kindergarten through five. ~~Notwithstanding such minimum daily requirement, school districts should provide at least 60 minutes of such recess~~ **eight and a minimum of 30 minutes of moderate physical activity within the school day for all students in grades nine through 12. Such physical activity may occur during recess, physical education class or other organized activity.** Any such recess may be supervised by licensed or unlicensed school personnel.

(b) *Physical activity shall not be limited or withheld for disciplinary reasons unless such student is an immediate threat to self or others.*

(c) *As used in this section, "moderate physical activity" means low-to-medium impact physical exertion designed to increase a student's heart rate to rise to at least 75% of the student's maximum heart rate. "Moderate physical activity" includes, but is not limited to, running, calisthenics and aerobic exercise. "Moderate physical activity" does not include time during which a student is permitted to use an electronic device or walking to and from class.*

New Sec. 2. (a) *Beginning in school year 2026-2027, the state board of education shall establish a Kansas state fitness test that is aligned with the presidential physical fitness test to assess the overall fitness of students in grades one through 12. The state board shall update the test as often as required to maintain alignment with the presidential physical fitness test. The state board shall provide an award for students who*

1 *meet or exceed the state's 50<sup>th</sup> percentile and an award for students who*  
2 *meet or exceed the state's 85<sup>th</sup> percentile on one or more test events.*

3 *(b) Each school district shall annually administer the Kansas state*  
4 *fitness test to each student enrolled in grades one through 12. This*  
5 *requirement shall not apply to any student who is a child with a*  
6 *disability, as defined in K.S.A. 72-3404, and amendments thereto, or has*  
7 *a medical exemption as determined by a licensed physician.*

8 Sec. 2. 3. K.S.A. 72-3115 is hereby amended to read as follows: 72-  
9 3115. (a) Subject to the other provisions of this section, a school term  
10 during which public school shall be maintained in each school year by  
11 each school district organized under the laws of this state shall consist of  
12 not less than 186 school days for ~~pupils~~ *students* attending kindergarten or  
13 any of the grades one through 11 and not less than 181 school days for  
14 ~~pupils~~ *students* attending grade 12.

15 (b) Subject to a policy developed and adopted by the board of any  
16 school district, the board may provide for a school term consisting of  
17 school hours. A school term provided for in a policy adopted under this  
18 subsection shall consist of: (1) For ~~pupils~~ *students* attending kindergarten,  
19 not less than 465 school hours in each school year; and (2) for ~~pupils~~ *students*  
20 *students* attending any of the grades one through 11, not less than 1,116  
21 school hours in each school year; and (3) for ~~pupils~~ *students* attending  
22 grade 12, not less than 1,086 school hours in each school year. Each board  
23 of education ~~which~~ *that* develops and adopts a policy providing for a  
24 school term in accordance with this subsection shall notify the state board  
25 of education thereof on or before September 15 in each school year for  
26 which the policy is to be in effect.

27 (c) Subject to a plan developed and adopted by the board of any  
28 school district, the board may schedule the school days required for a  
29 school term provided for under subsection (a), or the school hours required  
30 for a school term provided for in a policy adopted under subsection (b), on  
31 a trimestral or quarterly basis. Each board of education ~~which~~ *that*  
32 develops and adopts a plan providing for the scheduling of the school days  
33 or school hours of the school term on a trimestral or quarterly basis shall  
34 submit the plan to the state board of education for approval prior to  
35 implementation. The plan shall be prepared in such form and manner as  
36 the state board ~~shall require~~ *requires* and ~~shall be~~ submitted at a time or  
37 times ~~to be~~ determined and specified by the state board.

38 (d) Subject to a policy developed and adopted by the board of any  
39 district as an adjunct to the district's disciplinary policy or as a part of the  
40 district's school improvement plan, the board may schedule school days in  
41 addition to the school days scheduled for a school term provided for under  
42 subsection (a), or school hours in addition to the school hours scheduled  
43 for a school term provided for in a policy adopted under subsection (b), or

1 both such additional school days and school hours for ~~pupils~~ *students* who  
2 are in need of remedial education or ~~who are~~ subject to disciplinary  
3 measures imposed under the district's disciplinary policy. Any school day  
4 or school hour scheduled for a ~~pupil~~ *student* under a policy adopted under  
5 this subsection may be scheduled on weekends, before or after regular  
6 school hours, and during the summer months. Inexcusable absence from  
7 school on any school day or during any school hour by any ~~pupil~~ *student*  
8 for whom additional school days or school hours have been scheduled  
9 under a policy adopted under this subsection shall be counted as an  
10 inexcusable absence from school for the purposes of K.S.A. 72-3121, and  
11 amendments thereto.

12 (e) If the board of any school district, or its designee, shall determine  
13 that inclement weather will cause hazardous driving conditions, the board,  
14 or its designee, may close any or all of the schools within the district. The  
15 amount of time ~~pupils~~ *students* have been in attendance when such  
16 determination is made shall be considered a school day of a school term or  
17 shall be considered the number of school hours for ~~pupils~~ *students* to be in  
18 attendance at school in a day, whichever is applicable. Consonant with the  
19 other provisions of this section, a board may schedule any number of days  
20 or hours in excess of the regularly scheduled school days or school hours  
21 ~~which~~ *that* the board determines will be necessary to compensate for those  
22 school days or school hours that schools of the district will remain closed  
23 during the school term due to hazardous driving conditions. If the number  
24 of days or hours schools remain closed due to hazardous driving  
25 conditions exceeds the number of days or hours scheduled by the board to  
26 compensate for such school days or school hours, the excess number of  
27 days or hours, not to exceed whichever is the lesser of: (1) The number of  
28 compensatory days or hours scheduled by the board; or (2) five days or the  
29 number of school hours regularly scheduled in five days, that schools  
30 remain closed due to such conditions shall be considered school days or  
31 school hours.

32 (f) The state board of education may waive the requirements of law  
33 relating to the duration of the school term upon application for ~~such a~~  
34 waiver by a school district *pursuant to subsection (e)*. Such waiver may be  
35 granted by the state board of education upon: (1) Certification by a board  
36 that, due to the persistence of inclement weather, hazardous driving  
37 conditions have existed in the school district for an inordinate period of  
38 time; and (2) a determination by the state board that the school district  
39 cannot reasonably adjust its schedule to comply with statutory  
40 requirements. Such waiver shall not exempt a school district from  
41 providing a school offering for each ~~pupil~~ *which student that* is  
42 substantially equivalent to that required by law.

43 (g) Time reserved for parent-teacher conferences for discussions on

1 the progress of ~~pupils~~ *students* may be considered part of the school term.

2 (h) Time reserved for staff development or inservice training  
3 programs for the purpose of improving staff skills, developing competency  
4 in new or highly specialized fields, improving instructional techniques, or  
5 curriculum planning and study may be considered part of the school term  
6 for an aggregate amount of time equal to the amount of time in excess of  
7 the school term ~~which is~~ scheduled by a board of education for similar  
8 activities.

9 (i) *The time required for organized recess pursuant to section 1, and*  
10 *amendments thereto, shall be considered part of the school term.*

11 (j) Boards of education may employ noncertificated personnel to  
12 supervise ~~pupils~~ *students* for noninstructional activities.

13 ~~Sec. 3. 4.~~ K.S.A. 72-3115 is hereby repealed.

14 ~~Sec. 4. 5.~~ This act shall take effect and be in force from and after its  
15 publication in the statute book.